

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUAN PEREZ,

Plaintiff,

v.

COBB COUNTY and THOMAS
BASTIS, in his individual and
official capacities,

Defendants.

Civil Action No. 1:16-cv-
00902-SCJ

**PLAINTIFF'S MOTION TO LIFT STAY
FOR IN CAMERA REVIEW OF RECORDS**

Juan Perez moves the Court to make Cobb County Police Department records available to him. In over a year of litigation, neither Thomas Bastis nor Cobb County has produced a single document. Bastis claims that most responsive documents are the County's. The County will not produce records until the stay is lifted. So Perez subpoenaed the County Police's files. But it produced nothing, hiding behind the stay.

Perez seeks information relevant to his malicious prosecution claim: The "case file" for the prosecution, witness "interviews," and "communications" about the investigation. *See* Doc. 43, Subpoena. These documents likely show that the Perez was prosecuted without probable

cause. They also likely show that Bastis falsified statements in his reports to have Perez prosecuted—which shows malice.

At a minimum, these documents are reasonably calculated to lead to the discovery of admissible evidence. One of the interviews of the alleged victim, for example, likely shows her denying any wrongdoing on Perez’s part. Requiring the County Police to produce these records also poses no undue burden or expense. At the same time, depriving Perez of these crucial documents is highly prejudicial.

What is more, the County Police concedes that “[r]ecords of this nature may ... be subpoenaed for in camera inspection by a court.” Doc. 45. And under O.C.G.A. § 49-5-41(a)(11), the Court may “make such records available to” Perez. He thus requests that the Court order the County Police to produce responsive records for an in camera inspection and make them available to him.

Dated: August 15, 2017

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH LR 5.1B

I certify that Plaintiff's Motion to Lift Stay for In Camera Review
of Records has been prepared in 13-point Century Schoolbook font.

Dated: August 15, 2017

/s/ Andre T. Tennille III

Andre T. Tennille III

Georgia Bar No. 940510

CERTIFICATE OF SERVICE

I certify that today I filed Plaintiff's Motion to Lift Stay for In Camera Review of Records through the Court's CM/ECF system, which will automatically serve all counsel of record.

Dated: August 15, 2017

/s/ Andre T. Tennille III

Andre T. Tennille III

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